REMARKS

Applicant requests reconsideration and allowance of the present application in view of the foregoing amendments and the following remarks.

Claims 1-38 are pending in the present application. Claims 1, 9 and 16 are the independent claims.

Claims 1, 9 and 16 have been amended. No new matter is believed to have been added.

Claims 1-22 and 24-38 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,484,178 (Bence, Jr., et al.) in view of U.S. Patent No. 6,594,664 (Estrada et al.). Claim 23 stands under 35 U.S.C. § 103(a) as being unpatentable over Bence, Jr., et al. in view of Estrada et al. in further view of Japanese Patent Document No. 9282209A (Yuichi). All rejections are respectfully traversed.

Independent claim 1 recites, inter alia, a specifying control unit implementing a specifying module which firstly selects any one of the format file and the data file, and secondly drags the other of the format file and the data file to the selected file.

Independent claims 9 and 16 recite similar features in method and readable-by-computer medium forms, respectively.

By the aforementioned features, an operator can select a data file and drag the data file to a format file or select a format file and drag the format file to the data file. Thus, operational efficiencies can be realized.

The Office Action contends that the aforementioned feature (the ability to drag a data file to a format file or to drag a format file to a data file) is not patentably distinct from dragging a data file to a format file as taught by Estrada. The Office Action contends that these features are not patentably indistinct because "such converting will always perform the same operations and out put he same results." (Office Action, pages 7 and 8). These contentions are respectfully traversed.

Applicant respectfully submits that the latter contention, that operations resulting from dragging the data file to the format file are the same as dragging the format file to the data file, is manifestly incorrect and without basis in fact. Thus, the former contention is unsupported and fails to establish a prima facie case of obviousness.

For example, by dragging data files to a format file, it is possible to input a plurality of

data sets (each data file including at least one set) into a single format. Conversely, by dragging format files to a data file, a single set of data can be formatted into a plurality of formats. The input of plural data sets into a single format and formatting plural data sets into a single format require separate and distinct operations.

Accordingly, Applicant respectfully requests favorable reconsideration and withdrawal of the rejection of independent claims 1, 9, and 16 under 35 U.S.C. § 103.

The tertiary citation to Yuichi relates to a file setting method and is cited by the Office Action for its teaching of displaying files as a list. (Office Action, page 7). However, Applicant respectfully submits that Yuichi adds nothing that would remedy the aforementioned deficiency in the teachings or suggestions of Bence, Jr. et al.

Accordingly, Applicant respectfully requests favorable reconsideration and withdrawal of the rejection of claim 23 under 35 U.S.C. § 103.

In view of the foregoing, Applicant respectfully submits that the independent claims patentably define the present invention over the citations of record. Further, the dependent claims should also be allowable for the same reasons as their respective base claims and further due to the additional features that they recite. Separate and individual consideration of the dependent claims is respectfully requested.

Applicant believes that the present Amendment is responsive to each of the points raised by the Examiner in the Official Action. However, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to such matters.

There being no further outstanding objections or rejections, it is submitted that the present application is in condition for allowance. An early action to that effect is courteously solicited.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: ___July 15, 2005___   By: _____

Michael E. Kondoudis
Registration No. 42,758

1201 New York Avenue, NW, Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501